

111TH CONGRESS
1ST SESSION

H. R. 2983

To require the videotaping or electronic recording of strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2009

Mr. HOLT (for himself, Mr. COHEN, Mr. GEORGE MILLER of California, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the videotaping or electronic recording of strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Detainee Interrogation
5 Recording Act”.

1 **SEC. 2. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE**
2 **ELECTRONICALLY RECORDING STRATEGIC**
3 **INTELLIGENCE INTERROGATIONS OF PER-**
4 **SONS IN THE CUSTODY OF OR UNDER THE**
5 **EFFECTIVE CONTROL OF THE DEPARTMENT**
6 **OF DEFENSE.**

7 (a) IN GENERAL.—In accordance with the Army
8 Field Manual on Human Intelligence Collector Operations
9 (FM 2–22.3, September 2006), or any successor thereto,
10 and the guidelines developed pursuant to subsection (e),
11 the Secretary of Defense shall take such actions as are
12 necessary to ensure the videotaping or otherwise electroni-
13 cally recording of each strategic intelligence interrogation
14 of any person who is in the custody or under the effective
15 control of the Department of Defense or under detention
16 in a Department of Defense facility.

17 (b) CLASSIFICATION OF INFORMATION.—To protect
18 United States national security, the safety of the individ-
19 uals conducting or assisting in the conduct of a strategic
20 intelligence interrogation, and the privacy of persons de-
21 scribed in subsection (a), the Secretary of Defense shall
22 provide for the appropriate classification of videotapes or
23 other electronic recordings made pursuant to subsection
24 (a). The use of such classified videotapes or other elec-
25 tronic recordings in proceedings conducted under the De-
26 tainee Treatment Act of 2005 (title 14 of Public Law

1 109–163 and title 10 of Public Law 109–148), the Mili-
2 tary Commissions Act of 2006 (10 U.S.C. 948 et seq.;
3 Public Law 109–366), or any other provision of law shall
4 be governed by applicable rules, regulations, and law.

5 (c) STRATEGIC INTELLIGENCE INTERROGATION DE-
6 FINED.—For purposes of this section, the term “strategic
7 intelligence interrogation” means an interrogation of a
8 person described in subsection (a) conducted at a theater-
9 level detention facility.

10 (d) EXCLUSION.—Nothing in this section shall be
11 construed as requiring—

12 (1) any member of the Armed Forces engaged
13 in direct combat operations to videotape or otherwise
14 electronically record a person described in subsection
15 (a); or

16 (2) the videotaping or other electronic recording
17 of tactical questioning, as such term is defined in
18 the Army Field Manual on Human Intelligence Col-
19 lector Operations (FM 2–22.3, September 2006), or
20 any successor thereto.

21 (e) GUIDELINES FOR VIDEOTAPE AND OTHER ELEC-
22 TRONIC RECORDINGS.—

23 (1) DEVELOPMENT OF GUIDELINES.—The Sec-
24 retary of Defense, acting through the Judge Advo-
25 cates General (as defined in section 801(1) of title

1 10, United States Code, (Article 1 of the Uniform
2 Code of Military Justice)), shall develop and adopt
3 uniform guidelines designed to ensure that the
4 videotaping or other electronic recording required
5 under subsection (a), at a minimum—

6 (A) promotes full compliance with the laws
7 of the United States;

8 (B) is maintained for a length of time that
9 serves the interests of justice in cases for which
10 trials are being or may be conducted pursuant
11 to the Detainee Treatment Act of 2005 (title 14
12 of Public Law 109–163 and title 10 of Public
13 Law 109–148), the Military Commissions Act
14 of 2006 (10 U.S.C. 948 et seq.; Public Law
15 109–366), or any other provision of law;

16 (C) promotes the exploitation of intel-
17 ligence; and

18 (D) ensures the safety of all participants
19 in the interrogations.

20 (2) SUBMITTAL TO CONGRESS.—Not later than
21 30 days after the date of the enactment of this sec-
22 tion, the Secretary of Defense shall submit to the
23 Committees on Armed Services of the Senate and
24 House of Representatives a report containing the
25 guidelines developed under paragraph (1). Such re-

- 1 port shall be in an unclassified form but may include
- 2 a classified annex.

